THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.6026 OF 2006

ORAL ORDER:

This Writ Petition is filed questioning the action of respondents in not taking steps in disposing of the old seized vehicles and in not paying parking charges for the use of place to park the seized vehicles as arbitrary and illegal.

It is stated that the petitioner is engaged in the business of providing parking facility to all automobiles under the name and style o f Balaji Parking place at House No.19-5-16/A, besides Shalimar Agro-tech Private Limited, Kishanbagh Road, Hyderabad. It is alleged that though the 2nd respondent has been using the said place for parking the vehicles, which are seized under the provisions of the Motor Vehicles Act, failed to pay parking charges, nor the vehicles being parked in the premises were being cleared. It is alleged that due to the said action of the 2nd respondent the petitioner is unable to accommodate any other vehicles and consequently incurring heavy losses. It is also alleged that a sum of Rs.2,46,000/- is due from the 2nd respondent as on today towards parking charges. Hence, this Writ Petition.

Having heard learned counsel for the petitioner and having perused material on record, I am of the opinion that the issue involved is purely of a civil nature, which does ot involve enforcement of any legal right or statutory obligation. That apart, the matter also requires adjudication of several disputed questions of fact, and therefore, it is not open to the petitioner to invoke the extra-ordinary jurisdiction under Article 226 of the Constitution of India.

Accordingly, the Writ Petition is dismissed. However, this shall not preclude the petitioner to work out appropriate common law remedy for redressal of his grievance. No costs.

(G. ROHINI, J.)

27th March, 2006.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.6026 OF 2006

27th March, 2006.

Between:

Shiv Shankar Guptha. .. Petitioner.

And

Government of Andhra Pradesh,
represented by its Joint Secretary,
Regional Transport Authority.
Khairtabad, Hyderabad and another. .. Respondents